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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 09/04/2018  
Agenda Item: 4**

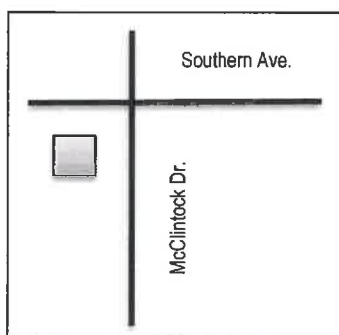
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**ACTION:** Request approval to abate public nuisance items at the Jones Property located at 1527 E. Newport Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$1822.00 for abatement request, remove and discard stored items on the back-yard patio.

**RECOMMENDATION:** Staff – Approval of 180 day open abatement

**BACKGROUND INFORMATION:** City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the JONES PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE181183: remove and discard stored items on the back-yard patio.



Property Owner: Ryan T. Jones  
Applicant: City of Tempe – Code Compliance  
Zoning District: R-2, Multi-Family Residential  
Code Compliance Inspector: Julie Scofield, Code Inspector

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director  
Legal review by: N/A  
Prepared by: Barbara Simons, Code Inspector  
Reviewed by: Drew Yocom, Planning & Research Analyst

**COMMENTS:**

Code Compliance is requesting approval to abate the Jones Property located at 1527 E. Newport Drive, in the R-2, Multi-Family Residential district. This case was initiated 03/06/2018, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

**HISTORY & FACTS:**

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.



**DATE:** 07/27/2018  
**TO:** Jeff Tamulevich, Code Administrator  
**FROM:** Julie Scofield  
**SUBJECT:** Jones Property Abatement

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**LOCATION:** 1527 E. Newport Dr. Tempe, AZ 85282

**PARCEL:** 133-37-287

**OWNER:** Ryan Jones  
6330 E. Bent Tree  
Scottsdale, AZ 85266

**FINDINGS:**

03/06/2018 Complaint came into Neighborhood Enhancement (CE181183) for this property regarding many items being stored in the patio area of the townhouse. The property was inspected. There is a lot of items, including cardboard, boxes, trash, household items, and miscellaneous items. A notice was mailed to the owner, Ryan Jones. At the time I was unaware of the tenant's name but did mail a notice to the property labeled as "resident".

03/20/2018 The property was inspected again. There has been no change in the condition of the back-patio area. Received a phone message and email from the tenant, Suzy Svendsen. She requested an extension and said that people were coming over to clean up the items.

03/23/2018 Received a phone call from the owner of the property saying the tenant was going to take care of the issues that following week.

04/17/2018 Received an email from the tenant saying that she will schedule another cleanup, as not all the items were removed.

05/03/2018 Received another email from the tenant saying she was making an appointment with junk collectors to pick up the rest of the items.

05/16/2018 Called the owner and left him a message letting him know that the property still had not been cleaned up. An email was sent to the tenant to let her know I would reinspect the property in two weeks and a citation may be issued if not done.

06/06/2018 Called and talked to the owner on the phone. Let him know I was going to be on vacation and would inspect the property when I got back. Also, explained that Suzy will get the citation. However, if the issue was not cleaned up, that I would go through the abatement process to bring the property into compliance.

06/29/2018 A citation was issued to the tenant, Suzy Svendsen for the items in the patio are. Pictures of the property were taken the same day the citation was issued.

07/18/2018 The citation was paid for through the courts. The property has not been cleaned up. Requested bid for the cleanup of the property through the abatement process.

07/27/2018      The abatement paperwork has been turned in and the hearing is set for September 4<sup>th</sup>, 2018.

**RECOMMENDATIONS:**

I am recommending the approval for the abatement at 1527 E. Newport Dr. The property is owned by Ryan Jones. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. The tenant has been cited but failed to bring the property into compliance as well. I am requesting the 180-day open abatement in the event the property once again comes into non-compliance.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:

NAME

DATE:

Submitted  
[Signature]  
7/27/18

CASE # CE181183



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/27/2018

RYAN JONES  
6330 E. BENT TREE  
SCOTTSDALE, AZ 85266

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

**Legal:** PARK RIVIERA TOWNHOUSES  
**Location:** 1527 E. NEWPORT DR. TEMPE, AZ 85282  
**Parcel:** 133-37-287

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **09/04/2018**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

**Violation of City of Tempe Code 21-3-B-1**

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

**1. REMOVE AND PROPERLY DISCARD STORED ITEMS IN THE BACK PATIO OF THE PROPERTY.**

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$1822.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

**If you have questions regarding this matter, please contact our office at (480) 350-8372.**

**Code Inspector: Julie Scofield**

**Phone Number: (480)350-8951**

**E-mail: [julie\\_scofield@tempe.gov](mailto:julie_scofield@tempe.gov)**

HAMANN ENTERPRISES, LLC

4001 W CAMELBACK RD C30

PHOENIX, AZ 85019

(602) 575-4455

[hamannenterprises@yahoo.com](mailto:hamannenterprises@yahoo.com)

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE SCOFIELD

FIRM: CITY OF TEMPE

DATE: 7/19/18

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE  
UNDER CONTRACT # T18-011-03

ADDRESS: 1527 E NEWPORT DR.

1 REMOVAL OF JUNK AND DEBRIS IN PORCH AREA	\$1,120.00
2 ESTAMATED DUMP FEES	\$150.00
3 SECURITY BY TEMPE POLICE	\$552.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$1,822.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

03/06/18

JONES RYAN T  
6330 E BENT TREE  
SCOTTSDALE, AZ 85266

Case#: CE181183  
Site Address: 1527 E. NEWPORT DR. TEMPE, AZ 85282

**SITE REINSPECTION ON OR AFTER: 03/21/2018**

This is a notice to inform you that this site was inspected on 03/06/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

**VIOLATION SECTION:**

**Violation of City of Tempe Code 21-3-B-1**

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

**Violation of the Tempe City Code, Chapter 21-3-b-6**

Excessive animal waste that is not securely protected from insects and the elements, or that is kept or handled in violation of this code or any other ordinance of the city or the county; provided, that nothing in this subsection shall be deemed to prohibit the use of such animal waste on any farm or ranch in such a manner and for such purposes as are compatible with customary methods of good husbandry or cultivation.

**Violation of City of Tempe Code 21-3-B-8**

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:**

1. PLEASE CUT ALL OVERHEIGHT GRASS AND OR WEEDS IN THE BACK (PORCH) AREA OF THE BACK OF THE PROPERTY.
2. PLEASE REMOVE AND OR PROPERLY DISCARD THE BOXES, TRASH, HOUSEHOLD ITEMS, CARDBOARD, AND ANY OTHER MISCELLANEOUS ITEMS. THIS INCLUDES DOG FECES AS WELL.



Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Julie Scofield  
Code Inspector II  
E-Mail

Direct: 480-350-8951  
Code Compliance: 480-350-8372  
julie\_scofield@tempe.gov

#### **Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

03/06/18

RESIDENT  
1527 E. NEWPORT DR.  
TEMPE, AZ 85282

Case#: CE181183  
Site Address: 1527 E. NEWPORT DR. TEMPE, AZ 85282

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# Arizona Traffic Ticket and Complaint

*Paul*

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1701658</b>		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial		
Driver's License No.		DLP <input type="checkbox"/>		State		Class		Endorsements M H N P T X D				Incident Report Number <b>CE181183</b>		
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language														
<b>Defendant</b>		Name (First, Middle, Last) <b>Suzy Svendsen</b>										Juvenile		
Residence Address, City, State, Zip Code <b>1527 E Newport Dr. Tempe AZ 85282</b>												Telephone: (cell phone) <input type="checkbox"/>		
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Email Address						
Business Address, City, State, Zip Code												Business Phone No.		
<b>Vehicle</b>		Color		Year		Make		Model		Style		License Plate		
Registered owner & address, City, State, Zip Code										Vehicle Identification Number				
The Undersigned Certifies That:														
On	Month	Day	Year	Time	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace			Direction of Travel	
At	Location <b>1527 E Newport Dr.</b>								<input checked="" type="checkbox"/> Tempe	<b>85282</b>			Area	Dist.
The Defendant Committed the Following:														
<b>A</b>	Section:		<b>21-3-B-1</b>		ARS CC	Violation: <b>Junk Trash Debris</b>			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Municipal Code			
	Docket Number				Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
	MVD													
<b>B</b>	Section:				ARS CC	Violation:			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code			
	Docket Number				Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
	MVD													
<b>C</b>	Section:				ARS CC	Violation:			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code			
	Docket Number				Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
	MVD													
<b>D</b>	Section:				ARS CC	Violation:			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code			
	Docket Number				Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
	MVD													
<b>E</b>	Section:				ARS CC	Violation:			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code			
	Docket Number				Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
	MVD													
<b>You must appear on the date and time indicated at:</b>		<b>Tempe Municipal Court</b> 140 E. 5th Street Tempe, AZ 85281 Court No. 0753				<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor		Date: <b>07/13/18</b>		Time: Between 9AM & 4PM				
		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM						
		Court:		Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM Court No.						
Court Address, City, State, Zip Code														
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.							Victim? <input type="checkbox"/> Victim Notified? <input type="checkbox"/>							
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.							I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.							
<b>X</b> <i>mailed</i>							<i>Paul Scipio</i>				<b>8022</b>			
							Complainant				PSN			
Comments: <b>Juvenile Notification:</b> Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____														
Date issued if not violation date														

COMPLAINT



1701658





06/29/2018 10:23



06/29/2018 10:23







06/29/2018 10:23





06/29/2018 10:23



06/29/2018 10:23





06/29/2018 10:23

